

On public service

Invalidated Unofficial translation

The Law of the Republic of Kazakhstan dated 23 July, 1999 No. 453.

U n o f f i c i a l t r a n s l a t i o n

Footnote. The Law of the Republic of Kazakhstan dated November 23, 2015 No. 416-V (effective from 01/01/2016) expired.

Chapter 1. General provisions

Article 1. Basic definitions

The following basic definitions are used in this Law:

1) body “A” - administrative public positions of management level, for which the special procedure for selecting the personnel reserve, competitive selection, performance and termination of public service is provided, which is determined by the President of the Republic of Kazakhstan, as well as the special qualification requirements;

2) transfer - the procedure for appointing of a public servant for a vacant or temporarily vacant administrative public position in the manner, provided by the legislation of the Republic of Kazakhstan with his (her) simultaneous dismissal from his (her) office;

3) body “B” - administrative public positions that not included in the body “A”;

4) qualification requirements – the requirements for citizens, applying for an administrative public position, in order to determine their level of professional training, competence and compliance with a particular administrative public position;

5) official - a person, permanently, temporarily or on special authority acting as a representative of power or performing organizational and management or administrative functions in state bodies;

6) official powers - rights and obligations under a particular public position, that meet the goals and tasks faced by the state bodies, where public servants operate;

7) career planning - a process, oriented to the definition of stages of official displacement and professional development of administrative public servant of body “A”;

8) administrative public servant - a public servant, carrying out his (her) activities on a permanent professional basis, except as provided by the laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan;

9) a category of administrative public position – a set of administrative public positions with the relevant qualification requirements;

10) public service - the activity of public servants in state bodies for the implementation of official power, aimed at achieving the objectives and functions of state power;

11) personnel reserve of public service – a systematic list of citizens of the Republic of Kazakhstan, applying for vacant public positions, formed according to the procedure provided for by the legislation of the Republic of Kazakhstan;

12) public servant - a citizen of the Republic of Kazakhstan, who holds the position in the state body under the legislation of the Republic of Kazakhstan that paid from the republican or local budgets or from the funds of the National Bank of Kazakhstan and exercises the official powers to implement the objectives and functions of the state;

13) civil service ethics – the rules for public servants, established in this Law, acts of the state bodies and based on generally accepted moral and ethical standards;

14) public position - a structural unit of a state body, that is responsible for the range of official powers and duties, established by the regulatory legal acts;

15) political public servant - a public servant, whose appointment (election), dismissal and activities are of political and definitive character, and who is responsible for the implementation of political goals and objectives;

16) conflict of interests - the contradiction between the personal interests of a public servant and his (her) official power, in which the personal interests of a public servant may lead to the improper performance of his (her) official duties;

17) rotation – an official transitions of the administrative public servants of body “A” with their consent under the career planning in accordance with this Law;

18) internship - acquisition of professional knowledge and experience away from the permanent place of work by public servants, as well as by persons enrolled in the personnel reserve of the administrative public service, according to the direction of the state bodies;

19) mentor - a public servant, assigned to the person that first passed to the public service, and providing practical assistance in his (her) professional training;

20) temporarily vacant public position – a public position, that is temporarily vacant in connection with finding a public servant, occupying this position in social leave, as well as his (her) absence in the workplace due to a disease, if the disease is included in the list of diseases in which, in accordance with labour legislation of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan may set a period of temporary disability for more than two months.

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication); as amended by the Law of the Republic of

Kazakhstan dated 13.06.2013 No. 101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 2. Legislation on public service

Legislation on public service consists of the Constitution, this Law and other regulatory legal acts of the Republic of Kazakhstan.

Article 3. Principles of public service

1. Public service in the Republic of Kazakhstan is based on the following principles :

- 1) rule of law;
- 2) Kazakhstani patriotism;
- 3) unity of the public service system, regardless of the separation of public powers for the legislative, executive and judicial branches;
- 4) priority of the rights, freedoms and legitimate interests of citizens before the interests of the state;
- 5) accessibility, that is the equal right of citizens to have access to public service and promotion of public service in accordance with their abilities and professional training;
- 6) voluntary involvement of citizens in the public service;
- 7) professionalism and competence of public servants;
- 8) equal remuneration for equivalent work;
- 9) mandatory implementation of the decisions, made by the higher state bodies and officials within their powers to subordinated public servants and employees of subordinated state bodies;
- 10) controllability and accountability of public servants;
- 11) consideration of public opinion and publicity, except activities, constituting state secrets or other secrets, protected by law;
- 12) legal and social protection of public servants;
- 13) promotion of public servants for conscientious, proactive performance of official duties, performance of tasks of special importance and complexity;
- 14) personal liability for non-performance or improper performance of official duties by a public servant and excess of his (her) powers;
- 15) the continuity of advanced training of public servants.

2. Creation of organization of political parties in state bodies is not allowed. Public servants in the performance of official duties are governed by the legislation and are not bound by the decisions of political parties, public associations and their bodies.

Article 4. Scope of this Law

1. This Law shall apply to all public servants, except in cases when the Constitution, constitutional laws and other legislative acts of the Republic of Kazakhstan define other different legal status for them.

1-1. This Law shall apply to administrative public officials, appointed by local representative bodies or elected in accordance with the laws of the Republic of Kazakhstan, in part that is not regulated by the laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan.

2. Public servants do not include:

- 1) persons, performing maintenance and ensure the functioning of state bodies. A list of such persons is established by the Government of the Republic of Kazakhstan;
- 2) employees and technical employees of the National Bank of Kazakhstan and its agencies.

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 5. Authorized body for the public service affairs and its territorial subdivisions

1. Authorized body for the public service affairs (hereinafter - the authorized body) - a state body, directly subordinate and accountable to the President of the Republic of Kazakhstan, implementing a unified state policy in the field of public service, that is entrusted with the following:

1) *is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 No. 124 -V (shall be enforced upon expiry of ten calendar days after its first official publication)*;

2) development of proposals to improve the regulatory legal framework for the activities of public service, as well as adoption of regulatory legal acts within its competence in accordance with the legislation;

3) development and approval of standard qualification requirements to categories of administrative public positions;

4) maintenance of monitoring of the state of personnel and public service positions, including the formation of republican database of public service personnel, including a single automated database (information system);

4-1) formation of personnel reserve of the administrative public service;

4-2) defining the procedures, programs, as well as organization of testing for public servants and candidates for administrative public positions;

5) *is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159 -V (shall be enforced upon expiry of ten calendar days after its first official publication)*;

6) development and submission for approval to the President of the Republic of Kazakhstan a registry of public servants, as well as acts in accordance with this Law;

7) coordination of activities of state bodies on issues of training, retraining and advanced training of public servants, including abroad;

8) coordination of formation and placement of public procurement on training, retraining and advanced training of public servants;

8-1) coordination of early withdrawal of disciplinary sanctions of administrative public servants for corruption offences;

9) monitoring the compliance of the state bodies with the legislation in the field of public service;

9-1) monitoring the compliance of public servants with the civil service ethics;

10) determination of the procedure for competition to occupy the administrative public position, as well as monitoring the accuracy of the competition;

10-1) coordination of approval of appointment to administrative public position in terms of compliance of the candidate with the qualification requirements;

10-2) defining the procedure for development and approval of the job description of an administrative public servant;

10-3) approval of model regulations on Service of personnel management (personnel department) of the state bodies in coordination with the Administration of the President of the Republic of Kazakhstan;

11) proposing the abolition of decisions of the state bodies, taken in violation of this Law and other regulatory legal acts;

12) consideration of complaints of public servants on the actions and decisions of state bodies or officials on the issues of implementation of legislation on public service ;

13) *is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 No. 159-V (shall be enforced upon expiry of ten calendar days after its first official publication)*;

14) participation in the drafting of international treaties on the issues of public service;

14-1) development of proposals to improve the quality of services, provided by state bodies;

15) performance of other functions provided by this Law, other laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan.

2. The authorized body and its subordinate territorial subdivisions shall form a uniform system of bodies for the public service affairs.

Territorial subdivisions shall operate within the competence, established by the authorized body.

2-1. The authorized body has disciplinary councils in regions, the city of republican significance and the capital, and their regulation is approved by the President of the Republic of Kazakhstan on the presentation of the authorized body.

3. Decisions of the authorized body and its territorial subdivisions are made in the form of orders.

Footnote. Article 5, as amended by the Laws of the Republic of Kazakhstan dated 11.03.2003 No. 393 (the order of enforcement see Art. 2); dated 08.07.2005 No. 75 (the order of enforcement see Art. 2); dated 05.07.2011 No. 452-IV (shall be enforced from the date of its first official publication); dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication); dated 03.07.2013 No. 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 No.159-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 6. Service of personnel management (personnel department)

1. Service of personnel management (personnel department) shall, within its competence:

1) coordinate the activities of the structural subdivisions of the state body on the execution of the legislation of the Republic of Kazakhstan on public service;

2) organize the activities of disciplinary, certifying, competitive and other commissions on personnel matters;

3) ensure the compliance with the procedures for certification and competitive selection, promotion of public servants, attraction of public servants to disciplinary action, dismissal of public servants;

4) organize the selection of personnel, prepare documents, related to the performance of public service by the public servants;

5) ensure the compliance with the restrictions, related with presence in the public service;

6) organize internship, mentoring, performance evaluations, training, retraining (requalification) and advanced training of public servants, develop the types of rewards for public servants and the procedure for their application;

7) take account of personal data of public servants, information on the results of evaluation, certification, and completing the course;

8) exercise other powers, stipulated by the legislation of the Republic of Kazakhstan.

2. Service of personnel management (personnel department) is organisationally independent from other structural subdivisions of the state body, directly subordinated to the executive secretary or the head of the executive office, and in the state bodies that do not have the position of the executive secretary and the head of the executive office, to the head of the state body.

3. The establishment of a unified service of personnel management (personnel department) in the regions, cities of republican significance and the capital, districts, cities, for the executive bodies, financed from the budgets of the relevant administrative-territorial units is allowed in accordance with the legislation of the Republic of Kazakhstan. Unified service of personnel management (personnel department) of the regional, the city of republican significance, capital, district, city executive bodies, financed from the local budget, is created by the decision of a person, having the right to appoint the heads of these executive bodies.

For the district, municipal, territorial subdivisions of the central state body and its agencies, the establishment of a unified service of personnel management (personnel department) in the inter-regional and regional territorial subdivision of the central state body and its agencies, is allowed. Unified service of personnel management (personnel department) of the district, municipal territorial divisions is created by the decision of the head of the inter-regional or regional territorial subdivisions of the central state body and its agencies, or by the decision of the higher body.

Footnote. Article 6 is in the wording of the Law of the Republic of Kazakhstan dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication).

Chapter 2. The legal status of public servants

Article 7. Classification of positions of public servants

1. The structure of public servants includes the political and administrative positions of public servants.

2. Registry of positions of public servants is approved by the President of the Republic of Kazakhstan by the presentation of the authorized body.

Position categories are set for administrative public servants. Position categories are not set for political public servants.

Footnote. Article 7 is in the wording of the Law of the Republic of Kazakhstan dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication).

Article 8. Rights of public servants

Public servant shall have the right to:

- 1) use the rights and freedoms, guaranteed to citizens of the Republic by the Constitution and laws of the Republic of Kazakhstan;
- 2) participate within his (her) authority in consideration of issues and make decision on them, demand their execution by the relevant bodies and officials;
- 3) obtain in the prescribed manner the information and materials necessary for the performance of official duties;
- 4) have access in the established procedure to organizations, regardless of their form of ownership for the performance of official duties;
- 5) require from the head the exact definition of the tasks and scope of official duties in accordance with the position, occupied by public servants;
- 6) personal dignity, fair and respectful attitude from heads, other officials and citizens;
- 7) promotion and payment of salary, depending on the position that he (she) occupies, quality, experience and other requirements established by this Law;
- 8) retraining (requalification) and advanced training at the expense of the relevant budget;
- 8-1) preserve job (positions) in the case of the direction of him (her) for training by the state body under the state order by postgraduate education programs in accordance with the legislation of the Republic of Kazakhstan or internship;
- 9) unimpeded access to materials that relate to his (her) passing the public service, where necessary, give personal explanation;
- 10) promotion based on skill, ability, merit and fair execution of his (her) duties;
- 11) require the presence of an official investigation if there are unfounded charges, according to an employee;
- 11-1) legal and other protection in accordance with the legislation of the Republic of Kazakhstan in the case of bringing them to the head of the state body in which it operates, or to law enforcement agencies about which it has learned credible cases of corruption offenses;
- 12) occupational health and safety, safe working conditions, necessary for high performance;
- 13) social and legal protection;
- 14) dismissal from public service at his (her) own request;
- 15) pension and social security;
- 16) make proposals for improving public service to higher state bodies and officials

Footnote. Article 8, as amended by the Law of the Republic of Kazakhstan dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication).

Article 9. Main responsibilities of public servants

1. Public servants shall:

- 1) observe the Constitution and the legislation of the Republic;
- 2) take the oath of a public servant in the manner, approved by the President of the Republic of Kazakhstan;
- 3) ensure respect for and protection of rights, freedoms and legitimate interests of citizens and legal entities, consider the letters of citizens in the procedure and terms established by the legislation, and take the necessary measures on them;
- 4) exercise the authority within the rights, granted to them and in accordance with the official duties;
 - 4-1) in the exercise of official authority be impartial and independent of political parties, religious and other public associations;
- 5) comply with the state and labour discipline;
- 6) accept the restrictions, imposed by the law;
- 7) respect the rules of professional ethics;
- 8) fulfill orders and directives of heads, decisions and instructions of higher bodies and officials, issued within their authority;
- 9) keep state secrets and other secrets protected by the law, including after termination of public service within the time prescribed by the law, about what acknowledged in writing;
- 10) maintain the confidentiality of the information received in the performance of official duties, affecting privacy, honor and dignity of citizens, and shall not require them to provide such information, except in cases prescribed by the law;
- 11) ensure the safety of state property, and use the state property entrusted to them only for official purposes;
- 12) *is excluded by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 371-IV (shall be enforced upon expiry of ten calendar days after its first official publication);*
 - 12-1) immediately bring to the attention of the administration of the state body where they work, or to law enforcement agencies about cases of corruption offences, became known to them;
- 13) improve their professional level and qualifications for the effective performance of official duties;

14) work in the state body, sent them to training under the state order by postgraduate education programs, immediately after completion of training, as well as on the public service. Terms of training and labour-rent are defined by the Regulations on the order of the public service, approved by the President of the Republic of Kazakhstan on the presentation of the authorized body.

2. Specific responsibilities of the administrative public servants, arising from the main responsibilities, established by this Law are determined on the basis of qualification requirements, and are reflected in job descriptions.

Job descriptions are approved by the head of the state body or an official, authorized by him (her), as well as other persons in the cases, provided by the legislation of the Republic of Kazakhstan.

Footnote. Article 9, as amended by the Laws of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2); dated 29.12.2010 No. 371-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2011 No. 452-IV (shall be enforced from the date of its first official publication); dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication).

Article 10. Restrictions, related to the stay in the public service

1. Public servant shall not:

- 1) be a deputy of the representative bodies;
- 2) engage in other remunerative activity, except for educational, scientific and other creative activities;
- 3) engage in entrepreneurial activities, including participation in the management of a commercial organization, regardless of its organizational-legal form, if directly participation in the management of a commercial organization is not part of his (her) official duties in accordance with the legislation of the Republic of Kazakhstan, unless otherwise provided by the Law of the Republic of Kazakhstan “On Combating Corruption”;
- 4) be a representative for third parties in the state body where he (she) serves, either the body directly subordinated or accountable to it;
- 5) use for unofficial purpose the means of material and technical, financial, and information support of its official activity, other state property and proprietary information;
- 6) participate in activities that impede the normal functioning of state bodies and performance of official duties, including strikes;
- 7) use, in connection with the performance of official duties, the services of citizens and legal entities for personal purpose.

2. Public servant in accordance with the legislation of the Republic of Kazakhstan shall, within one month after taking office, at the time of the public service, transfer his (her) owned shares, stocks (stock) in the authorized capital of commercial organizations and other property, the use of which involves generating income in trust management, except money legally owned by such person, as well as hired property. Contract on trust management of property shall be notarized. A copy of the notarized contract on trust management of property is submitted by public servants within ten days from the date of notarization in the service of personnel management (personnel department) at the workplace. Terms of the transfer of property of public servants in trust management are established by the Government of the Republic of Kazakhstan.

Public servants, except members of the Government of the Republic of Kazakhstan, the Chairman and members of the Constitutional Council of the Republic of Kazakhstan, may not transfer bonds, shares of open and interval mutual funds, belonging to them in trust management.

Public servant is entitled to receive income from the property, transferred in trust management.

Public servants, except members of the Government of the Republic of Kazakhstan, the Chairman and members of the Constitutional Council of the Republic of Kazakhstan, are entitled to lease homes.

2-1. Chairman of the National Bank of the Republic of Kazakhstan and his (her) deputies shall, within one month from the date of appointment for these positions transfer in trust management and submit to the personnel department of the National Bank of Kazakhstan, a copy of the notarized contract on trust management of the owned shares of mutual funds, bonds, and stocks of commercial organizations.

Chairman of the National Bank of the Republic of Kazakhstan and his (her) deputies shall not have the right to acquire shares of investment funds, bonds, stocks of commercial organizations.

3. Public servant may not hold a position directly under the position occupied by his (her) close relatives (parents, children, adoptive parents, adoptees, full and half brothers and sisters, grandparents, grandchildren) or spouse (wife), except the cases stipulated by the law.

3-1. Legislative acts of the Republic of Kazakhstan may provide restrictions on the exercise of official powers by public servants in respect of close relatives and cousins-in-law (brothers, sisters, parents and children of spouses).

4 The persons,

- 1) duly recognized as incapable or partially capable;
- 2) deprived by the court the right to hold public position for a specified period;
- 3) in accordance with the opinion of the medical institution, have the disease, preventing the performance of official duties, in cases where the special requirements

for health to occupy the relevant positions are established in the qualification requirements;

4) refused to accept the restrictions imposed by the law, in order to avoid actions that may lead to the use of their status and the corresponding authority in the personal, group and other unofficial interests;

5) that for three years before entering the public service, brought to disciplinary liability for corruption offences. At the same time, a person dismissed from work for a corruption offence is not permitted to the public service;

6) *is excluded by the Law of the Republic of Kazakhstan dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication);*

6-1) to whom for three years before entering the public service imposed a judicially administrative penalty for a corruption offence;

6-2) committed corruption crime;

6-3) *is excluded by the Law of the Republic of Kazakhstan dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication);*

7) that have a criminal record, that at the time of entering the public service is not canceled or withdrawn in accordance with the law;

7-1) that previously convicted or released from criminal liability for non-rehabilitating grounds for grave or especially grave crimes;

8) did not pass a special audit for compliance with the anti-corruption legislation;

9) commits a crime in an organized group or a criminal community (criminal organization), a transnational organized group, a transnational criminal community (transnational criminal organization) or a stable armed group (band);

against whom a criminal case on the crime in an organized group or a criminal community (criminal organization), a transnational organized group, a transnational criminal community (transnational criminal organization) or a stable armed group (band), stopped by prosecuting authority or a court, or refused to initiate criminal proceedings by the prosecuting authority on the non-rehabilitating grounds, prior to the expiration of the lower limit of the penalty of imprisonment, prescribed by the relevant Article of the Special part of the Criminal Code of the Republic of Kazakhstan, - cannot be admitted to the public service.

5. Is excluded by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 371-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Footnote. Article 10, as amended by the Laws of the Republic of Kazakhstan dated 25.09.2003 No. 484; dated 08.07.2005 No. 75 (the order of enforcement see Art. 2); dated 21.07.2007 No. 308; dated 07.12.2009 No. 222-IV (the order of enforcement see

Art. 2); dated 08.12.2009 No. 226-IV (shall be enforced from 01.01.2010); dated 29.12.2010 No. 371-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication).

Chapter 3. Admission to the public service

Article 11. Admission to the political public service

Admission to the public service of political public servants shall be on the basis of appointment or election, as well as in other cases in the manner and on the conditions, established by the legislation of the Republic of Kazakhstan.

Footnote. Article 11 as amended – by the Law of the Republic of Kazakhstan dated 11 March, 2003 No. 393 (the order of enforcement see Art. 2).

Article 12. Admission to the administrative public service

1. The citizens of the Republic of Kazakhstan have the right to occupy administrative public positions.

Occupation of administrative public position shall be on a competitive basis, except as provided in this Law, as well as in the cases of appointment by the local representative bodies or election in accordance with the laws of the Republic of Kazakhstan.

2. Selection in personnel reserve of the administrative public service of the body “A” is conducted in the manner, determined by the President of the Republic of Kazakhstan.

Citizens, enlisted in personnel reserve of the administrative public service of the body “A”, are eligible to participate in the competition for vacant administrative public positions of the body “A”.

3. The right to occupy the administrative public position of the body “B” out of a competitive selection, has deputies of the Parliament, deputies of maslikhats, working on a permanent basis, political public servants, judges, terminated their powers, except for those who terminated on the negative motives, serving at least six months and complying with the qualification requirements.

The persons, mentioned in the first part of this paragraph, may occupy administrative public positions of the body “A” without selection in the personnel

reserve and a competitive selection under the decision of the President of the Republic of Kazakhstan.

4. Establishing any discrimination for reasons of origin, social, property status, gender, race, nationality, language, attitude to religion, convictions, place of residence or any other circumstances in entering the public service, is not allowed.

Footnote. Article 12 is in the wording of the Law of the Republic of Kazakhstan dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 13. Requirements for admission to the public service

1. Persons, entering the public service shall meet the following requirements:

- 1) possess the nationality of the Republic of Kazakhstan;
- 2) be at least eighteen years of age, unless otherwise is established to the relevant positions by the legislation of the Republic of Kazakhstan.

Persons, applying for administrative public positions, shall meet the following requirements:

- 1) have the necessary education, professional training level and comply with the qualification requirements;
- 2) do not reach the retirement age, established by the law of the Republic of Kazakhstan.

2. In entering public service, a citizen is obliged to submit to the tax authorities a declaration of income and property, belonging to him (her) by right of property that is subject to taxation.

3. Occupation of administrative public positions is carried out after the positive results of a special audit.

State body receives citizens for temporary performance of duties, stipulated by the administrative public positions, until the day of the results of a special audit. Labour relations with them are governed in accordance with the labour legislation of the Republic of Kazakhstan. Employment contracts are concluded for a period of a special audit.

During the special audits, the provisions of this Law in part of the duties and responsibilities of public servants, the restrictions, related to a stay in the public service are subject to those persons. The rights of those persons are determined by the employment contract.

4. Additional requirements for admission to the political public service may be determined by the President of the Republic of Kazakhstan.

5. Qualification requirements for administrative public positions of the body “B” shall be developed taking into account the main activities of the structural subdivisions of the state body, official powers, carried out by the administrative public servants, and shall be approved by the state bodies in consultation with the authorized body on the basis of standard qualification requirements for categories of administrative public positions.

Special qualification requirements for administrative public positions of the body “A” shall be approved by the President of the Republic of Kazakhstan.

Footnote. Article 13 is in the wording of the Law of the Republic of Kazakhstan dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication); as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 14. Competition for occupation of administrative public position

1. Competition for occupation of administrative public position provides the right of citizens of the Republic of Kazakhstan to equal access to public service.

The competition for the vacant and temporarily vacant administrative public position of the body “B” is held by a state body.

The citizens that received when taking the test the evaluation which is not below the thresholds, established by the authorized body shall be entitled to participate in the competition.

2. During the competition in the central state bodies, agencies and their territorial subdivisions, the announcements are published on the internet resources of the central state bodies, as well as in periodicals, defined by the authorized body.

Announcements of the competition in the executive bodies, financed from the local budget, are published on the internet-resources of the executive bodies, financed from the local budget, and the authorized body, as well as in periodicals, defined by the territorial subdivisions of the authorized body.

In the case of a unified personnel management service (personnel department) the announcements are published on the internet resources of the state body, in the unit of which it is composed.

3. If the competition is held in a temporarily vacant administrative public position of the body “B”, then this condition must be specified in the announcement of the competition.

4. The procedure for competition and formation of the competition commission is determined by the authorized body.

5. In the regions, the cities of republican significance, the capital, districts, cities, the creation of a unified competition commission for executive bodies, financed from the budgets of the corresponding administrative-territorial units is allowed. Unified competition commission of the regional, city of republican significance, capital, district, municipal executive bodies, financed from the local budget, is created by the decision of a person, having the right to appoint the heads of these executive bodies.

For the district, municipal territorial subdivisions of the central state body and its agencies, the creation of a unified competition commission in interregional or regional territorial subdivision of the central state body and its agencies, is allowed. Unified competition commission of the district, municipal territorial subdivisions is created by the decision of the head of the interregional or regional territorial subdivisions of the central state body and its agencies, or by the decision of the higher body.

6. Participant of the competition that received a positive opinion of the competition commission has the right to occupy the administrative public position of the body “B”.

7. A person, having the right to appoint must accept to the declared administrative public position of the body “B” the participant of the competition that received a positive opinion of the competition commission. The requirements, provided in the legislation of the Republic of Kazakhstan for the public service shall be met.

8. The participant of the competition that does not receive a positive opinion of the competition commission, but recommended for the public service, shall be entitled to be enrolled in the personnel reserve of the administrative public service of the body “B”.

The participant of the competition, enrolled in the personnel reserve of the administrative public service of the body “B” on the recommendation of the competition commission of the state body has the right within one year from the date of enrollment to occupy the appropriate administrative public position of the body “B” in the same state body without passing additional competition, under the condition of meeting the qualification requirements.

9. Decision of the competition commission may be appealed in accordance with the legislation of the Republic of Kazakhstan.

10. The special procedure of the competition for the vacant and temporarily vacant administrative public position of the body “A” is determined by the President of the Republic of Kazakhstan.

Footnote. Article 14 is in the wording of the Law of the Republic of Kazakhstan dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication).

Chapter 4. Public service and professional career

Article 15. Test when applying for administrative position

1. For the citizen, taken at administrative public service for the first time or again after its termination, as well as taken at the administrative position of the higher category the probation up to three months can be established.

2. The probation period shall not include the period when the administrative public servant was absent from duty for valid reasons.

3. When the test results are unsatisfactory, the administrative public servant may be dismissed as not passed probation period in consultation with the authorized body or its territorial subdivisions.

4. If the probation period expired, and the administrative public servant continues to public service, he (she) is considered as passed the test and probation period shall be included in the length of public service. Subsequent dismissal is allowed only on the grounds, provided by the laws of the Republic of Kazakhstan.

Footnote. Article 15, as amended by the Laws of the Republic of Kazakhstan dated 11.03.2003 No. 393 (the order of enforcement see Art. 2); dated 08.07.2005 No. 75 (the order of enforcement see Art. 2).

Article 15-1. Occupation of administrative public positions of the body “B” due to transfer

1. Administrative public servant has the right to occupy administrative public position of the body “B” due to transfer, subject to his (her) consent, compliance with the qualification requirements and based on the results of his (her) activity at the last position.

Procedure for transfer is governed by the Regulations of the public service, approved by the President of the Republic of Kazakhstan by the presentation of the authorized body.

In cases, stipulated by the Regulations of the public service, occupation of administrative public service of the body “B” due to transfer is carried out with the consent of the authorized body or its territorial subdivisions.

2. Occupation of administrative public position of the body “B” due to transfer is performed within the state body, its agencies, including their subdivisions, as well as between them.

3. Occupation of administrative public position of the body “B” due to transfer from other state bodies, their agencies and their territorial subdivisions is performed in cases, determined by the Regulations of the public service.

4. Within one year after the end of execution of the decision to impose an administrative penalty on a public servant for a corruption offence or if he (she) has

unwithdrawn disciplinary penalties for corruption offences, the occupation of administrative public position of the body “B” due to transfer shall not be allowed.

Footnote. Chapter 4 is supplemented by Article 15-1 in accordance with the Law of the Republic of Kazakhstan dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication).

Article 16. Assessment of activity and certification of administrative public servants

1. State bodies provide an annual assessment of the administrative public servants to determine the effectiveness and quality of their work.

2. The results of annual assessment of administrative public servants are the basis for decisions on awarding, promotion, training, career planning, job rotation.

The results of assessment of the administrative public servants during three years are the basis for decisions on conducting their certification.

3. Certification is the procedure to determine the level of professional training of administrative public servants of the body “B” and their ability to perform their duties.

Certification includes testing and interviewing. Administrative public servants of the body “B”, having the experience of public service at least fifteen years are not subject to testing.

4. Procedure for assessment of activity and certification of administrative public servants is approved by the President of the Republic of Kazakhstan by presentation of the authorized body.

Administrative public servants of the body “B” in the case of failure to appear for certification without valid reasons shall be subject to disciplinary liability.

Administrative public servants of the body “B”, with a negative result of certification, shall be subject to demotion or dismissal.

Demotion is performed in the presence of a lower vacant administrative public position of the body “B”, and in compliance of an administrative public servant of the body “B” with qualification requirements established for this position.

Administrative public servants of the body “B”, subject to re-certification cannot be assigned to the equivalent or higher positions due to transfer before completion of the re-certification.

5. The creation of unified certification commission for executive bodies, financed from the budgets of corresponding administrative-territorial subdivisions is allowed in the regions, the cities of republican significance and the capital, districts, cities. Unified certification commission of the regional, the city of republican significance, the capital, district, municipal executive bodies, financed from the local budget, is created by the decision of a person, having the right to appoint the heads of these executive bodies.

For the district, municipal territorial subdivisions of the central state body and its agencies, the creation of unified certification commission in interregional or regional territorial subdivision of the central state body and its agencies is allowed. Unified certification commission of the district, municipal territorial subdivisions is created by the decision of the head of the interregional or regional territorial subdivisions of the central state body and its agencies, or by the decision of the higher body.

Footnote. Article 16 is in the wording of the Law of the Republic of Kazakhstan dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication).

Article 17. Working time

1. Working time of administrative public servants is determined in accordance with the labour legislation of the Republic of Kazakhstan with the specifications prescribed in this Law.

2. Certain administrative public servants may be brought to perform urgent and contingency work, from urgent performance of which depends on further normal (continuous) operation of the state body as a whole or its separate subdivisions, by written order of the head of the body or the executive secretary or other officer, designated by the President of the Republic of Kazakhstan, and they are required to report for duty at weekends and holidays, the work, which is compensated in accordance with the Labour legislation of the Republic.

Footnote. Article 17, as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 371-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 18. Guarantees and compensations for business trips

1. Public servants are reimbursed expenses for business trips, including to a foreign state in the order determined by the Government of the Republic of Kazakhstan.

Public servants are subject to the guarantees and the right to receive a subsistence allowance for the time spent on a business trip, the cost of travel to the destination and back, the cost of hiring premises, provided by the legislation of the Republic of Kazakhstan.

2. Work place (position) and average wages are preserved for seconded public servants during the whole time of business trip.

Footnote. Article 18 as amended – by the Law of the Republic of Kazakhstan dated 11 March, 2003 No. 393 (the order of enforcement see Art. 2).

Article 18-1. Rotation

In the public service, the rotation of administrative public servants of the body “A” is provided upon their consent within the career planning.

The order of rotation is determined by the President of the Republic of Kazakhstan by the presentation of the authorized body.

Footnote. Chapter 4 is supplemented by Article 18-1 in accordance with the Law of the Republic of Kazakhstan dated 08.07.2005 No. 75 (the order of enforcement see Art . 2); is in the wording of the Law of the Republic of Kazakhstan dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication).

Article 18-2. Conflict of interests

1. Public servant is prohibited from engaging in official duties, if there is a conflict of interests.

2. Public servant shall take measures to prevent and resolve conflicts of interests.

3. Public servant shall notify in writing his (her) immediate supervisor or administration of a state body about the arisen conflict of interests or the possibility of its occurrence, as soon as he (she) becomes aware of it.

Immediate supervisor or administration of a state body under the letter of a public servant or receiving the information from other sources shall timely take measures to prevent and resolve conflicts of interests, including:

1) authorize another person to execution of official duties of a public servant, in respect of which a conflict of interests has arisen or may be arisen;

2) change the official duties of the public servant;

3) transfer of the public servant with his (her) consent in another position in accordance with the legislation of the Republic of Kazakhstan.

4. Public servant, his (her) immediate supervisor and administration of a state body shall bear disciplinary responsibility for failing to prevent and resolve the cases of reported conflict of interests.

Footnote. The Law is supplemented by Article 18-2 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 No. 371-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 19. Other issues of public service

1. Mentors for individuals, first engaged in the administrative public positions, are assigned in the order determined by the authorized body.

2. Internship of public servants and those persons that enrolled in the personnel reserve of the administrative public service, shall be as determined by the President of the Republic of Kazakhstan by presentation of the authorized body.

3. Other issues of public service that are not regulated by this Law shall be governed by legislative acts of the Republic of Kazakhstan, the Regulations of the public service, approved by the President of the Republic of Kazakhstan by presentation of the authorized body.

Footnote. Article 19 is in the wording of the Law of the Republic of Kazakhstan dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication).

Article 20. Personnel reserve of public service

1. Personnel reserve of public service is formed to occupy political and administrative public positions.

2. The order of formation and organization of work with personnel reserve is regulated by the Regulations on the personnel reserve of public service, approved by the President of the Republic of Kazakhstan by presentation of the authorized body.

Footnote. Article 20 – is in the wording of the Law of the Republic of Kazakhstan dated 8 July, 2005 No. 75 (the order of enforcement see Art. 2).

Chapter 4-1. Professional ethics of public servants

Footnote. The Law is supplemented with Chapter 4-1 in accordance with the Law of the Republic of Kazakhstan dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication).

Article 20-1. Requirements for public servants on compliance with the professional ethics

1. Public servants shall:

1) maintain and strengthen public confidence in the public service, the state and its institutions;

2) comply with the generally accepted moral and ethical standards;

3) show politeness and correctness in relationships with citizens;

4) counter the actions that damage the interests of the state, preventing the effective functioning of the state bodies;

5) serve as an example of respect for the state symbols of the Republic of Kazakhstan;

6) comply with the legal restrictions and prohibitions;

7) execute their duties in good faith and in a professional level in order to ensure the efficient operation of state bodies;

8) not provide preference to individuals and legal entities, be independent of their influence in the performance of official duties;

9) not use their position to influence the activity of state bodies, organizations, public servants and other persons in matters of a personal nature;

10) avoid any recruitment and appointment of personnel on the grounds of kinship, communities and personal loyalty;

11) not require the subordinate public servants fulfilling orders, outside their official duties;

12) not compel others to commit unlawful acts or offences that are not compatible with the generally accepted moral and ethical standards;

13) prevent and suppress the facts of violation of professional ethics on the part of other public servants.

2. Public servants shall comply with the norms of official behavior during the performance of official duties.

3. Public servants shall not use their position and related opportunities in the interest of commercial and non-profit organizations, including for the promotion of their attitude towards them.

Article 20-2. Anticorruption behavior of public servants

1. Public servants must confront display of corruption, prevent corruption offences or offences, involving corruption or creating conditions for corruption.

2. Public servants must suppress the facts of corruption offences by other public servants.

3. Public servant, if he (she) has reliable information about corruption offences shall take the necessary measures to prevent and stop such offence, including immediately in writing inform superior head, administration of the state body where he (she) works, and the authorized state bodies. Public servant shall also immediately inform in writing the said persons and bodies on cases of declination of him (her) by others to corruption offences.

Administration of the state body must, within one month from the receipt of information, take measures on statements of public servant on corruption offences, cases of declination of him (her) to commit these violations, including through the organization of inspections and addressing appeals in the authorized bodies.

4. Administration of the state body shall take measures to protect the public servant that reports the verified cases of corruption offences, declination of him (her) to

commit these violations, from persecution that infringes his (her) rights and legitimate interests.

5. Public servants shall not allow the actions (inaction), complicating the implementation by individuals and legal entities of their rights and legitimate interests.

6. Upon presentation to the public servant the unfounded public accusations of corruption, he (she) must, within one month from the date of detection of such a charge, take measures for its refutation.

Article 20-3. Public speaking

1. Public speaking on the activities of state body is carried out by its head or authorized officials of a state body.

Public servants shall conduct discussions in the correct form.

2. Publications of public servants on behalf of a state body on matters not related to the conduct of public policy and the activities of the state body are not allowed.

Publication of materials on teaching, research and other creative activities is carried out by public servants on their own behalf as a private individual.

Chapter 5. Support of public servants

Article 21. Remuneration of public servants

1. Remuneration of public servants should provide sufficient material conditions for the unconditional and comprehensive performance of duty, promotion of the staffing of state bodies by competent and experienced personnel, and motivation of their conscientious and proactive work.

2. Remuneration system of political public servants is appointed by the President of the Republic of Kazakhstan.

Remuneration of administrative public servants shall be on the basis of the Unified system of remuneration, approved by the President of the Republic of Kazakhstan.

3. Salaries of administrative public servants are paid at the expense of the republican and local budgets.

4. Salaries and other payments of administrative public servants are subject to indexation in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 21, as amended by the Laws of the Republic of Kazakhstan dated 11.03.2003 No. 393 (the order of enforcement see Art. 2); dated 05.07.2012 No. 30-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 22. Leave of public servants

1. Public servants are granted annual paid leave of thirty days with the payment of an allowance for health improvement in the amount of two salaries.

2. At the request of public servants annual paid leave may be granted to them by parts.

3. Public servant may be granted leave without pay.

4. According to the decision of the head of the state body or the executive secretary or other official, designated by the President of the Republic of Kazakhstan, public servants may be recalled from the annual or additional leave. The remaining part of the unused leave is provided to a public servant at any other time of the relevant year or added to the leave in next year.

5. In case of transfer of administrative public servant or in connection with the appointment of a political public servant to another public position, if a public servant did not use leave of his (her) previous job, annual paid leave may be granted at new job until the expiration of the period, established by the laws of the Republic Kazakhstan.

Footnote. Article 22, as amended by the Laws of the Republic of Kazakhstan dated 11.03.2003 No. 393 (the order of enforcement see Art. 2); dated 29.12.2010 No. 371-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 23. Encouragement of public servants

1. For exemplary performance of duties, impeccable public service, performing tasks of special importance and complexity and other achievements in work, as well as on the results of evaluation of their activities, public service can be encouraged to:

- 1) lump-sum remuneration;
- 2) expression of gratitude;
- 3) awarding of valuable gift;
- 4) awarding the diploma;

5) other forms of incentives, provided by the legislation of the Republic of Kazakhstan, including the awarding of departmental awards and breast signs of distinction.

2. Public servants are awarded by the state awards of the Republic of Kazakhstan for meritorious service.

Footnote. Article 23, as amended by the Law of the Republic of Kazakhstan dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months from the date of its first official publication).

Article 24. Measures of social protection of public servants

1. Public servants are provided with housing in accordance with the legislation of the Republic of Kazakhstan.

2. Public servants that need to improve their living conditions are provided free land for individual housing construction. Conditions for granting land plots are defined by the Government of the Republic.

3. Public servants and members of their families, residing with them, use medical care in the appropriate public health facilities in the established procedure.

4. In case of abolition (liquidation) of the state body, administrative public servants shall be paid severance pay in the amount of four average monthly salaries in the presence of length of public service for at least three years.

In the case of reorganization of the state body, the head of the newly formed state body offers jobs to administrative public servants of the reorganized state body in accordance with their qualifications.

The state body, to which the functions, powers and staff units of other state body are transferred, offers jobs to administrative public servants, exercising transferred functions, powers and taking the staff units, in accordance with their qualifications.

In case of refusal of administrative public servants from employment, they shall be dismissed in accordance with the legislation of the Republic of Kazakhstan. At the same time administrative public servants, having the length of public service for at least three years, shall be paid a severance pay in the amount of four average monthly salaries.

In the case of staff reduction of the state body, public servant shall be paid a severance pay in the amount of four average monthly salaries in the presence of length of public service for at least three years.

5. Upon the death of a public servant, his (her) family members shall be paid a lump sum allowance equal to three average monthly salaries at the last place of service in the state body, and the allowance cannot be lower than the amount established in the legislation of the Republic of Kazakhstan.

Footnote. Article 24, as amended by the Laws of the Republic of Kazakhstan dated 11.03.2003 No. 393 (the order of enforcement see Art. 2); dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication).

Article 25. Pension and social security of public servants

Pension and social security of public servants shall be in accordance with the legislation of the Republic of Kazakhstan.

Chapter 6. Termination of public service of public servants

Article 26. Resignation and dismissal of political public servants

1. Resignation is the termination of execution of the duties on the respective public position, by political public servant, carried out on the basis of his (her) written application.

2. Resignation is accepted or it is provided a reasoned refusal by the state body or an official, appointed (elected) the political public servant to the position. Decision to accept or refuse the resignation shall be made within one month from the date of written application. In case of refusal to resignation, political servant must continue to perform official duties and is entitled to dismissal in accordance with the legislation of the Republic of Kazakhstan.

3. Political public servants apply for resignation and resign on the grounds and in the manner prescribed by the Constitution, this Law and other legislation of the Republic of Kazakhstan.

4. Gross violation of official duties, committing offences that are not compatible with staying on the public service, cannot be grounds for resignation of a political public servant, and shall be grounds for dismissal. Grounds and procedure for dismissal of political public servants are determined by the President of the Republic of Kazakhstan.

4-1. The grounds for termination of public service by political public servants shall be:

acceptance of the public service the person that committed the corruption crime, or a person previously dismissed for corruption offences, as well as the person that committed the crime in an organized group, criminal community (criminal organization), transnational organized group, transnational criminal community (transnational criminal organization) or steady armed group (combination);

adoption of the public service of the person against whom a criminal case on the crime in an organized group or criminal community (criminal organization), transnational organized group, transnational criminal community (transnational criminal organizations) or steady armed group (combination) stopped by the prosecuting authority or the court or refused to initiate a criminal case by the prosecuting authority on non-rehabilitating grounds before the expiration of the period for lower limit of the sentence of imprisonment, prescribed by the relevant Article of the Special Part of the Criminal Code of the Republic of Kazakhstan.

5. *Is excluded by the Law of the Republic of Kazakhstan dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication).*

Footnote. Article 26, as amended by the Laws of the Republic of Kazakhstan dated 11.03.2003 No. 393 (the order of enforcement see Art. 2); dated 21.07.2007 No. 308;

dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication).

Article 27. Grounds for termination of public service by administrative public servants

1. The grounds for termination of public service by administrative public servants shall be:

1) submission of resignation notice;

1-1) achievement of retirement age set by the law of the Republic of Kazakhstan, with the right to the annual renewal of their stay in the public service by conclusion of the employment contract by mutual consent of the parties;

2) the expiration of the employment contract or the termination of the employment contract on the grounds, stipulated by the legislation of the Republic of Kazakhstan;

2-1) the expiration of period of their powers, as provided by the laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan;

2-2) the transformation of their positions in political offices or positions for which citizens appointed by the local representative bodies or elected in accordance with the laws of the Republic of Kazakhstan;

3) provision by an administrative public servant of knowingly false information about his (her) income and assets;

4) failure to comply with obligations and restrictions established by this Law;

5) non-transfer in trust management of the property, owned by him (her);

6) loss of citizenship of the Republic of Kazakhstan;

7) commitment of corruption offences;

7-1) the entry into force of a judgment of conviction;

7-2) admission for administrative position a person, that committed a corruption offence or a person previously dismissed for corruption offences, as well as the person that committed the crime in an organized group, criminal community (criminal organization), transnational organized groups, transnational criminal community (transnational criminal organizations) or steady armed group (combination);

Admission for administrative public position of the person against whom a criminal case on the crime in an organized group or criminal community (criminal organization), transnational organized group, transnational criminal community (transnational criminal organizations) or steady armed group (combination) stopped by prosecuting authority or court, or refused to initiate a criminal case by the prosecuting authority on

non-rehabilitating grounds before the expiration of the lower limit of the sentence of imprisonment, prescribed by the relevant Article of the Special part of the Criminal Code of the Republic of Kazakhstan;

7-3) termination of criminal proceedings for non-rehabilitating grounds for corruption crimes, as well as termination of the criminal case on the crime in an organized group or criminal community (criminal organization), transnational organized group, transnational criminal community (transnational criminal organizations) or steady armed group (combination) by the prosecuting authority or the court, or refusal to institute criminal proceedings by the prosecuting authority on non-rehabilitating grounds before the expiry of the lower limit of the sentence of imprisonment, prescribed by the relevant Article of the Special part of the Criminal Code of the Republic of Kazakhstan;

7-4) presentation when entering public service of false documents or information that could be grounds for refusal of admission to the public service;

7-5) non-compliance with the requirements established by this Law, in appointment to the public position;

8) non-competitive occupation of administrative public position, except as provided by this Law;

9) negative results of certification;

9-1) negative results of a special check for compliance with the anti-corruption legislation;

10) other grounds, stipulated by the laws of the Republic of Kazakhstan and the acts of the President of the Republic of Kazakhstan.

1-1. Persons, dismissed in accordance with paragraphs 3), 4), 5), 7), 7-1), 7-2), 7-3), 7-4) of paragraph 1 of this Article shall be recognized as dismissed by negative motives.

2. Dismissal of administrative public servants is carried out by the appropriate official of a state body, eligible to admission to the administrative public position in accordance with the legislation of the Republic of Kazakhstan.

3. In the case of illegal dismissal, an administrative public servant has the right to appeal to the authorized body, as well as on the legal protection of his (her) rights and freedoms.

4. Changing of political public servants, as well as heads of state bodies, that are administrative public servants, may not be grounds for termination of the public service by an administrative public servants at his (her) own post on the initiative of the newly appointed political and (or) administrative public servants.

Footnote. Article 27, as amended by the Laws of the Republic of Kazakhstan dated 11.03.2003 No. 393 (the order of enforcement see Art. 2); dated 08.07.2005 No. 75 (the order of enforcement see Art. 2); dated 15.05.2007 No. 253; dated 21.07.2007 No.

308; dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2); dated 29.12.2010 No. 371-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.11.2011 No. 502-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication); dated 13.06.2013 No. 101-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 7. Responsibility for violation of the legislation on the public service

Article 28. Responsibility of public servants

1. For non-performance or improper performance by a public servant of his (her) duties, voluntary dismissal of persons that committed disciplinary offence, entailing dismissal on negative grounds, unlawful appointment of persons to administrative public positions and (or) release of persons of administrative public positions, wrongful imposition of disciplinary sanction to administrative public servants, violation of the order of competition for the occupation of the administrative public position, disclosure of test items and other competitive questions, the failure to take measures to prevent and resolve conflicts of interest, abuse of official powers, violation of the state and labour discipline, as well as for non-compliance with this Law restrictions related with staying in the public service, the following disciplinary sanctions may be imposed to a public servant:

- 1) remark;
- 2) reprimand;
- 3) severe reprimand;
- 4) warning of service incompetence;
- 4-1) demotion;
- 5) dismissal from office.

1-1. Public servant shall be subject to the following types of disciplinary sanctions for corruption offences:

- 1) warning of service incompetence;
- 2) demotion;
- 3) dismissal from office.

Disciplinary sanction in the form of a warning of service incompetence is imposed without the possibility of imposing a disciplinary sanction in the form of a demotion.

Disciplinary sanction in the form of demotion is imposed in the presence of vacant subordinate public position and with compliance of public servant for the qualification requirements established for the position.

Disciplinary sanction in the form of dismissal from office is imposed on the grounds provided by the legislation on combating corruption.

2. Disciplinary sanction:

- 1) is imposed by persons having such a right in accordance with the official powers ;
- 2) cannot be imposed again for the same offence;
- 3) is imposed in the order, determined by the regulatory legal acts of the Republic of Kazakhstan.

2-1. In the regions, cities of republican significance and the capital, districts, cities, the creation of a unified disciplinary commission for executive bodies, financed from the budgets of the appropriate administrative-territorial units, is allowed. Unified disciplinary commission of the regional, the city of republican significance, the capital, district, municipal executive bodies, financed from the local budget is created by the decision of a person having the right to appoint the heads of these executive bodies.

For the district, municipal territorial subdivisions of the central state body and its agencies, the creation of a unified disciplinary commission in the inter-regional or regional territorial subdivision of the central state body and its agencies, is allowed. Unified disciplinary commission of the district, municipal territorial subdivisions is created by the decision of the head of the inter-regional or regional territorial subdivisions of the central state body and its agencies, or by the decision of the higher body.

3. Administrative public servant that committed disciplinary offence may be suspended from official duties by the head that appointed him (her) before addressing the issue of liability in the prescribed manner.

4. Public servant shall be responsible for the illegality of his (her) actions. If he (she) is in doubts about the legality of orders received for execution, he (she) shall immediately notify in writing his (her) immediate supervisor and the head that gave the order. In case if a superior head confirms in writing this order, a public servant is obliged to execute it, if execution of it does not involve the actions that relate to criminal acts. Responsibility for the consequences of execution of unlawful order by a public servant shall bear the head that approved this order.

5. If public servants commit crimes and other offences, they shall bear respectively criminal, administrative, financial responsibility on the grounds and in the manner, prescribed by the laws of the Republic of Kazakhstan.

Footnote. Article 28, as amended by the Laws of the Republic of Kazakhstan dated 11.03.2003 No. 393 (the order of enforcement see Art. 2); dated 25.09.2003 No. 484; dated 29.12.2010 No. 371-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 14.12.2012 No. 59-V (shall be enforced upon expiry of three months after the date of its first official publication).

Article 28-1. Terms of imposition of disciplinary sanctions for corruption offences and offences, creating conditions for corruption

1. Disciplinary sanction for a corruption offence or offences, creating conditions for corruption, is imposed not later than three months from the date of discovery of the offence and may not be imposed later than one year from the date of commission of the offence.

2. In case of refusal to initiate criminal proceedings or termination of the criminal case, but if in the presence of signs of corruption disciplinary offence in the person's action, the disciplinary sanction may be imposed no later than three months from the date of the decision to dismiss the criminal case or its termination, but not later one year from the date of commission of the offence.

3. The time of annual and three-month disciplinary sanctions shall be suspended in accordance with the labour legislation during the absence of a public servant at work in connection with a temporary disability, release from work to meet state or public duties, staying in a leave, a business trip.

Footnote. The Law is supplemented by Article 28-1 in accordance with the Law of the Republic of Kazakhstan dated 25.09.2003 No. 484; as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 371-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 28-2. Terms of imposition of disciplinary sanctions for violations of the budget legislation of the Republic of Kazakhstan

Disciplinary sanction for violations of the budget legislation of the Republic of Kazakhstan shall be imposed no later than three months from the date of discovery of the offense and may not be imposed later than one year from the date of commission of the offence.

Footnote. Chapter 7 is supplemented by Article 28-2 in accordance with the Law of the Republic of Kazakhstan dated 16.02.2012 No. 557-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 29. Guarantees of the rights of public servants in bringing them to disciplinary liability

1. Public servant shall be compulsorily familiar with all materials related to bringing him (her) to disciplinary liability, and he (she) shall be entitled to participate personally in the process of an official investigation.

2. Actions and decisions of the state bodies or officials may be appealed by the prosecuted public servants according to the procedure specified by the authorized body, or to the court.

Footnote. Article 29, as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 371-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 8. Final Provisions

Article 30. Procedure for the enforcement of this Law

This Law shall enter into force from 1 January 2000.

T h e
of the Republic of Kazakhstan

P r e s i d e n t

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